REMARKS

The claims have been amended as suggested by the Examiner to address the §112 rejection.

Turning to the rejection of claims 1, 2, 4, 11, 13, 14, 16, 23, 25, 26, 28, 35, 37, 38 and 40 under 35 USC §103 as obvious over Yuda (Japanese Publication No. 11-168094), the Examiner's rejection is in error. Nowhere does Yuda teach a flow-back phenomenon of silane gas into a plasma generation region, or prevention of such a flow-back phenomenon. Accordingly, no consideration is made at all in Yuda about an aperture ratio mentioned above. MPEP §2144.05 provides that

> A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

Thus, since Yuda does not disclose either a flow-back phenomenon or the prevention of such a flow-back phenomenon, one skilled in the art would not optimize hole size to prevent such a phenomenon, and the Examiner's rejection is improper.

In paragraph 6, bridging pages 4 and 5 of the Action, the Examiner contends that the perforated plate in Figure 6 is almost identical to Figure 7 in the instant Application. Applicants respectfully disagree. First, it is noted that patent drawings are not necessarily to scale. Second, there is nothing within the four corners of Yuda that describes the relative area of the holes to the plate. Third, when one compares Figure 7 of Yuda, which appears to be an enlarged view of the plate of Figure 6, it is clear that the diameter of hole 30, and thus the hole area as compared with the plate area also shown in that cross section is far larger than the 5% required in the instant

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claims. Since nowhere does Yuda describe the dimension of such holes, and Figure 7 depicts aperture holes that are clearly much larger than those required in the instant claims, the middle mesh plate of Yuda cannot be said to be identical to that in Figure 7, and the rejection as to claims 1, 2, 4, 11, 13, 14, 16, 23, 25, 26, 28, 35, 37, 38 and 40 is improper.

Turning to the rejection of claims 5, 7, 8, 10, 17, 20, 22, 29, 31, 32, 34, 41, 43, 44 and 46 under 35 USC §103 as obvious over Yuda in view of Sameshima et al. (U.S. Patent No. 5,304,250), the Examiner's rejection is again in error. The deficiencies of the primary reference Yuda have been discussed above. Sameshima also fails to disclose a mesh plate with a perforated hole area of less than 5% of the total plate area. Thus, no combination of Yuda and Sameshima could achieve or render obvious the instant invention.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 1, 2003, at Tucson, Arizona.

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